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"THE CNRM PEACE INITIATIVE AND THE ISRAELI-PALESTINIAN AGREEMENT ON SELF-GOVERNMENT"

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THE CNRM PEACE INITIATIVE

AND THE ISRAELI-PALESTINIAN AGREEMENT ON SELF-GOVERNMENT

By Jose Ramos-Horta *

First, I must apologise to Dr. Michael Sala and everyone involved in this initiative for not keeping my promise to participate in person as I would have liked to. Numerous other initiatives and events in Europe demanded my presence and rendered impossible a trip to Australia. I cannot thank enough everyone for this long overdue initiative at an academic institution that prides itself for its intimate relationship with the Australian Department of Foreign Affairs and Trade (DFAT) and with the Suharto regime.

It was more than five years ago that the Resistance leader, Xanana Gusmao, formally articulated the principle of dialogue without pre-conditions. However, this was not the first time that this peace offer was made. In a letter dated June 1984 to the then Minister for Foreign Affairs, the Hon. Bill Hayden, I conveyed to him the willingness of the resistance to enter into direct talks with Indonesia without pre-conditions under UN auspices and asked him to convey this to Jakarta. Mr. Hayden declined. In the following months and years I kept hammering on this idea with the UN and Portuguese diplomats.

What is known today as the CNRM peace plan started off as a discussion paper which I prepared for my FRETILIN colleagues overseas and the Portuguese Foreign Minister in February 1989. This discussion paper containing almost all the elements of the 1992 CNRM peace plan was thoroughly debated and adopted by the external wing of FRETILIN in a meeting in Lisbon in July 1989. In September, Mr. Abilio Araujo, then FRETILIN leader overseas, handed over a copy to Mr. Paulo Pires, then a senior UDT leader in Lisbon, with a request for comments. Another copy was handed over to Mr. Joao Carrascalao, also of UDT, in Sydney. However, UDT never commented on the paper.

The CNRM peace plan which I first and formally presented to the European Parliament in Brussels in April 1992, to the Council on Foreign Relations in May 1992 and to the UN also in May 1992, was in fact the result of a long process of deliberation among all FRETILIN leaders abroad and by Xanana Gusmao.

As this proposal has been widely disseminated and is available for consultation I shall not elaborate on all its details. Rather I shall address only the main points.

In essence, what is now known as the CNRM peace plan is a modest set of ideas aiming at contributing to an end to the East Timor conflict. The expression "peace plan" used here and elsewhere is a generous reference to this modest contribution in the search for a solution to the East Timor problem. A peace plan as such in *strictu senso* entails a declaration of principles initialed by the high contracting parties with additional annexes detailing the mechanisms agreed upon.

The "Declaration of Principles on Interim self-government Arrangements" (DOP), signed on 30th September 1993 in Washington, resembles in essence the CNRM peace initiative of 1992 or the earlier document of 1989.[1] However, I wish once again to emphasise that the CNRM initiative is a unilateral plan offered as a gesture of good will to the adversary, while the DOP is a formal agreement initialed by the high contracting parties and the result of a long process of bi-lateral and multi-lateral negotiations conducted by numerous mediators.

What to me is the most salient political element in the two documents is that both the CNRM initiative and the DOP freeze discussion and decision on the final status of the respective territories and postpone a decision to a later stage. The CNRM proposes a settlement of the status of the territory at the end of Phase II of the plan, i.e., at the end of the second phase (autonomy) which would be valid for five years renewable for another five, while the DOP provides also a 5-year interim period of Palestinian self-rule with discussions on the permanent status beginning no later than the 3rd year of the interim period.[2]

Neither the CNRM peace initiative nor the DOP prejudge the permanent status of East Timor or of the occupied territories of Palestine. Other similarities exist. The DOP establishes the following phases:

A. Gaza-Jericho: self-rule in the Gaza strip and the Jericho area, including withdrawal of Israeli forces from those areas;

B. Early Empowerment: In the rest of the West Bank, responsibilities on education, culture, health, social welfare, direct taxation and tourism are to be transferred to a Palestinian authority.

C. Interim Agreement and Elections: a Palestinian Council will be elected.

D. The Permanent Status: negotiations on the permanent status will commence as soon as possible but not later than the beginning of the third year of the interim period (May 1996).

The CNRM peace initiative calls for demilitarisation, the training by the UN, and deployment of an East Timorese police force, stationing of UN specialised agencies and an expanded presence of the ICRC, appointment of a resident representative of the UN SG, release of prisoners, etc. These are *sine quo non* conditions for phase two to be effected, namely elections for a Territorial Assembly vested with ample powers.

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[1] See Annex I: the Madrid Framework; Annex II: Israeli-Palestinian bi-lateral negotiations.

[2] See Annex III: "Q & A: East Timor's Peace Proposals", interview with Jose Ramos-Horta conducted by Michael Richardson, *International Herald Tribune*, February 20, 1995. See Annex III.

The CNRM Peace initiative proposes to solve the East Timor conflict within a time frame of 5 to 10 years in a step by step process that takes into consideration the interests of all parties, namely, East Timor, Portugal and Indonesia.

In his treatise, *On War,* Clausewitz argues that war is the continuation of politics by other means and negotiations come about when the parties involved realise that the costs of continuing the conflict are too high. While Clausewitz referred to the land wars of the XVIII and XIX centuries in Europe that were confined within the boundaries of the old continent, the wars of today usually have regional if not global consequences because of the modern weapons used or their economic consequences. The 1973 Arab-Israeli conflict had world-wide implications not only because of the weapons of mass destruction deployed by all sides, but also because of the use of oil as a tool of war . As much as an earthquake in Japan can affect the economies of countries as far away as Vanuatu or Peru, a war waged by Indonesia in East Timor cannot be insulated from the rest of the world. In this increasingly interdependent world, ever smaller by the fantastic surge of the electronic media and now by the information highway, there is no dictator who can escape world scrutiny. The case of East Timor is one of the most revealing examples of how fruitless are the efforts of dictators and others alike to confine certain events to a restricted area.

For Indonesia, the costs of the East Timor conflict are beginning to exceed the current benefits and future potential dividends. Here costs are defined not only in quantifiable terms (soldiers killed or wounded, loss of materiel, money disbursed, damage caused by sanctions) but also in subjective terms, namely international embarrassment and diplomatic setbacks. For the East Timorese, the costs are immensely larger in material terms while the unquantifiable element weighs heavily in our favour.

It appears that for the Indonesian regime, the incentives for direct negotiations with the resistance are not strong enough to warrant it. Hence, one question can be asked: what is the use of a CNRM peace initiative if the other side sees no need for negotiations?

The CNRM peace initiative was not aimed only at the Suharto regime as a means and incentive towards an honourable way out of the East Timor quagmire. It was meant also for the Indonesian society in general and the international community. It meant to convey to the Indonesian society and the international community the sense of responsibility, maturity and moderation of the East Timorese resistance leaders. This CNRM objective has been achieved to a limited extent as the peace plan is gaining support world-wide. And this can be translated into costs for the regime if it continues to refuse to enter into dialogue with the resistance.

I will try now to look into the similarities and relevance between the Israeli-Palestinian peace process and the basic elements of the CNRM peace initiative.

What are the conditions that exist in the Middle East that compelled the two parties in the Israeli-Palestinian conflict to negotiate and do not exist in the case of East Timor?

It is true that the end of the Cold War and the Gulf war weakened the Palestinian-Arab camp vis-à-vis Israel. The Palestinians can no longer count on a military powerful patron, the USSR, and the Gulf War divided even more an already divided Arab world. However, Israel cannot go on counting on the US as its unconditional patron. The Middle East remains a region of major strategic importance even in the post Cold War and the US is forced to rethink its relationships in the region and is strengthening its ties with Saudi Arabia and the small Gulf States.

In the case of East Timor, the Cold War argument that served as the rational for Indonesia's invasion ceased to exist. Indonesia's relative importance during the Cold War has been lessened but it retains its economic attraction for the West. Indonesia's stability and security remains a major concern and strategic goal for the West. Having lost the communist ghosts provided by Cold War to justify its occupation of East Timor, lately Jakarta has resorted to a new scare tactic, the Yugoslavia scenario.

In the Israeli-Palestinian conflict, two major world powers, the US and Russia worked relentlessly to push the peace process. The successful Norwegian mediation was possible only because of the changing strategic equation in the Middle East, the end of the Cold War, and the pressure brought to bear by the two super-powers on all the parties in the region.

In the case of East Timor, the US remains non-committal and only formally supports the Secretary-General's modest efforts. The USSR which had marginal interest in East and Southeast Asia is now even less interested and capable of influencing events in the region.

It is obvious that the East Timor conflict not even remotely resembles the Israeli-Palestinian conflict in the complexity and seeming intractability of the latter. A glance over the map in Annex II will provide a taste of the enormous complexity of the Middle East peace process and it shows how there cannot be a separate Israeli-Palestinian peace without parallel negotiations and peace between Israel and the neighbouring Arab states.

The East Timor conflict is a very simple one to resolve by comparison. It involves only two parties - the people of East Timor and the Indonesian regime. There are no overlapping border claims, no inter-ethnic or inter-religious problems. If the countries of the region that comprise ASEAN and Australia and New Zealand have not shown much interest in the conflict this is partly because none has any particular claim to make and this can in fact work favourably towards resolving the problem. But then what is required for an East Timor-Indonesia dialogue to take place? Before I try to answer this question let me restate a number of points:

1. The CNRM recognises Portugal as the Administering power of East Timor, the only State with international legal competence to enter into dialogue, negotiations, agreements, treaties that affects East Timor;

2. The CNRM supports the mandate of the UN SG in the framework of the GA Res. 37/30 (1982).

3. The CNRM declares as valid its 1992 peace initiative and remains ready to enter into direct negotiations with the government of Indonesia without prejudice of Portugal's role as administering power of the territory.

4. The CNRM declares that the resistance in East Timor will continue and will escalate until such a time when the CNRM believes that Indonesia has shown good faith;

5. The CNRM will continue to endeavour internationally to render Indonesia's occupation increasingly more costly.

I will now elaborate on what I believe the international community can do to push all parties to negotiate towards an early resolution of the conflict:

1. The US and the EU enter the peace process as co-presidents with the UN Secretary-General;

2. If all parties agree, the ASEAN SG or a senior official of this organisation join also as co-president.

3. Once Jakarta's agrees with the new framework of negotiations and with a comprehensive package of interim measures to resolve the conflict, Indonesia should benefit from a corresponding package of incentives: restablishment of diplomatic relations with Portugal; lifting of the Portuguese veto on the EU-ASEAN agreement; substantial increase in the aid, loans and grants to Indonesia by the multilateral agencies along the lines of the incentives offered to the Arab states and Israel involved in the peace process. The interim measures include the elements contained in Phases I and II of the CNRM peace initiative and in the Burg Schlaining Declaration and its Annexes.

4. The CNRM declares its willingness to help Indonesia resolve its current or potential conflicts within its internationally-recognised boundaries with firm respect for its territorial unity and integrity along the lines of Indonesia's mediation of the Moro conflict in the Philippines.

Gorbachov and Frederick De Klerk were men of the status quo and were part of the dictatorial systems that bankrupted their countries. They had the courage and vision to change course. Suharto of Indonesia can be the man who brings democracy for

Indonesia and freedom for East Timor. He needs the courage and humility of the great men who can change history. There is a golden opportunity, the 50th anniversary of the founding of the Indonesian Republic, for Suharto to begin a new era in his country's history.

Last but not least, a word about Australia's role. Can Australia play a role and is it willing to play an active role? Notwithstanding, my well-known criticism of Australia's and in particular of its Foreign Minister's policies regarding East Timor, no one denies Australia's successful contributions in resolving other regional problems. Its active involvement in the debate on the reform of the UN is commendable. And now that the Timor Gap saga has ended with a small consolation, procedural victory for Canberra while Portugal and East Timor won the most important victory on the self-determination issue, Australia can rethink its East Timor policy. Australia has paid a heavy price and has been a victim of Indonesia's brutal occupation of East Timor. Time and again, Australia is accused of hypocrisy, double standards and betrayal because of its East Timor policies. The spectacle of Australia on the defendant seat in the International Court of Justice in the Hague in February during the three-week long oral proceedings was deeply embarrassing. All because of Indonesia's occupation of East Timor. Isn't it time for Australia to demand more flexibility from Indonesia? Or should Australia go on endorsing an immoral policy that has cost Australia so dearly? It is now obvious that the East Timor problem will not go away and as long as it is not resolved it will grow into a rock in Australia-Indonesia relations as Foreign Minister Gareth Evans acknowledged recently.

For the prophets of doom who never believe that our heroic people can survive and win, I will answer only that greater and more powerful empires have evaporated in the face of the will of the people. The peoples of East Timor and Indonesia too will prevail.

JOSE RAMOS-HORTA
GENEVA, 7 JULY 1995

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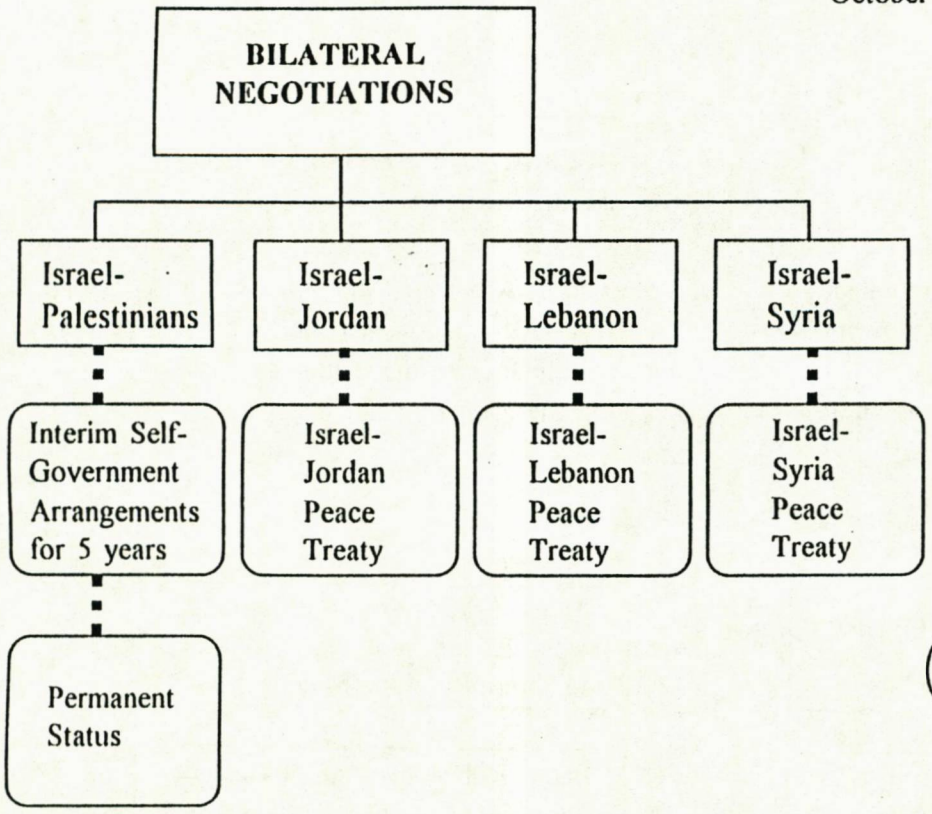
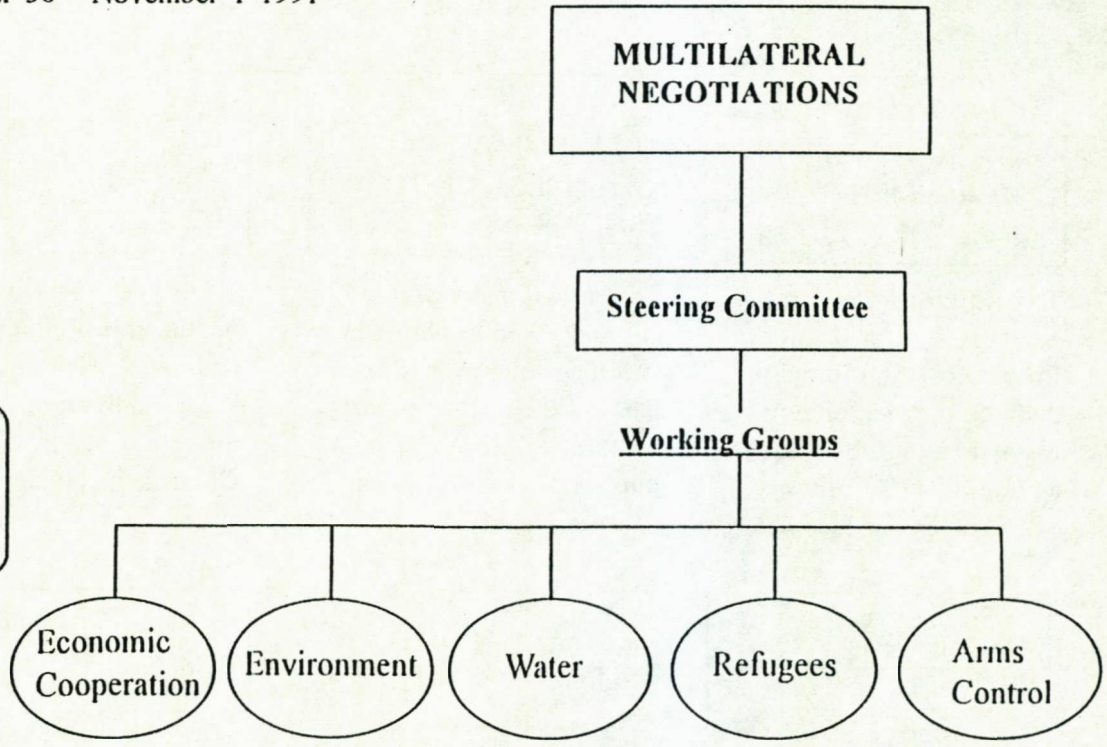
Annex I

THE MADRID FRAMEWORK

Inaugurated at the
MADRID CONFERENCE
October 30 - November 1 1991



- The purpose of the bilateral negotiations is to resolve the conflicts of the past.
- The goal of the talks with the Arab states is to conclude bilateral peace treaties.
- The talks with the Palestinians are meant to achieve a settlement in two stages, over five years.



- The purpose of the multilateral talks is to build the Middle East of the future.
- Issues of regional concern are discussed in a forum which fosters cooperation and builds confidence between the parties.

Annex II

THE BILATERAL NEGOTIATIONS WITH THE PALESTINIANS

STAGE I
Interim Self-Government Arrangements

STAGE II
Permanent Status

GAZA-JERICHO AGREEMENT
May 4, 1994

The withdrawal of Israeli administration and forces form Gaza and Jericho, and the transfer of powers and responsibilities to a Palestinian Authority. The Agreement includes:

- Security arrangements
- Transfer of civil affairs
- Legal framework
- Economic framework

EARLY EMPOWERMENT IN THE REST OF THE TERRITORIES

The early transfer of powers and responsibilities in specified spheres, in those parts of the territories not included in the Gaza-Jericho Agreement. These spheres include:

- Education & Culture
- Health
- Social Welfare
- Direct Taxation
- Tourism
- Other Spheres as Agreed

INTERIM AGREEMENT & ELECTIONS

A comprehensive agrement on the transfer of powers and responsibilities in the West Bank from Israel to an elected Palestinian Council, including:

- Election of Palestinian Council
- Comprehensive self-government arrangements for the West Bank
- Redeployment of Israeli forces outside populated areas

PERMANENT STATUS AGREEMENT

An agreement finalizing the relationship between Israel and the Palestinians, featuring the following:

- Talks to begin as soon as possible yet not later than 3rd year of interim period (May 1996).
- Permanent Status Issues to include: Jerusalem, refugees, settlements, security arrangements and borders.
- Permanent Status Agreement to enter into force after 5th year of Self-Government (May 1999)